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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/002,589	12/05/2001	Stephen C. Heinrichs	SCH 102	4260
7590	10/06/2005			
William Weigl 1805 Conwood Dr. Troy, OH 45373			EXAMINER CHIN, PAUL T	
			ART UNIT	PAPER NUMBER
			3652	
DATE MAILED: 10/06/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

HK

Office Action Summary

Application No.

10/002,589

Applicant(s)

HEINRICHS, STEPHEN C.

Examiner

PAUL T. CHIN

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 December 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,4,8-11 and 18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,4,8-11 and 18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 December 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Applicant's amendment filed August 24, 2004, and the arguments presented therewith have been carefully considered and they are persuasive in light of amended claims. Therefore, the previous claim rejections have been withdrawn. However, the arguments are moot in view of a new ground of rejection. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**

Drawings

2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the "a plurality of first body-securing loops" and "a support loop" (claims 8-11 and 18) must be shown or the feature(s) canceled from the claim(s). Note that the figures 4-6 do not show a plurality of first body-securing loops" and "a support loop". No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant

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will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Objections

3. Claim 10 is objected to because of the following informalities: it appears that the word "a" before "length" (line 2) should be changed to -- the --. Appropriate correction is required.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claim 1,2,4,8-11, and 18 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The exact meaning of the recited phrase "a pair of first body-securing loops of a fixed essentially equal length of at least 18 inches at said one end of said strap" (claim 1, lines 8-9) is not clearly understood as to whether the length 18 inches refers to "the circumferential length of the loop" or "half of the length of the folded loop". Moreover, applicant recites "a plurality of loops extending outwardly in opposite directions from a central area of said strap" (claim 1, lines 5-6) and later recites "said remote end of said strap comprising a support loop extending from the central area" (claim 1, lines 13-14). It is not clearly understood as to whether the "support loop" refers to "the other loop", which is the opposite side of the "first body securing loops" or refers to an additional loop. Further, it is unclear as to whether "means of stitching" (claim 4) refers to "attaching means" of claim 1.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1, 10, and 11, as best understood, are rejected under 35 U.S.C. 103(a) as being unpatentable over Maloney (2,407,714).

Maloney (2,407,714) discloses an elongated unitary strap of flexible belting material, comprising a plurality of loops (13)(14,14) extending outwardly opposite direction from a central area, the loops being secured to each other by attaching means (12), i.e. by stitching, (see Fig. 5), a pair of first body securing loops (14,14) having an equal length extending outwardly in a first direction from the central area, and a supporting loop (13) extending outwardly from the central area in a direction opposite to the pair of first loops. Maloney's strap (2,407,714) does not show the structural dimension, such as the width the strap and the length of each loop. Accordingly, it would have been obvious to those skilled in the art to optimize the structural dimension on the Maloney's strap (the width between from ½ inch to 3 inches, and the length of the loop is about 18 inches) so that the modified strap is strong and long enough to lift a heavy weight person.

8. Claims 1, 2, 4, 8, 9, and 18, as best understood, are rejected under 35 U.S.C. 103(a) as being unpatentable over Norton (3,290,083) (see PTO-892) in view of Norton (3,368,837).

Norton (3,290,083) discloses a unitary strap of flexible belting material, comprising a plurality of loops extending outwardly from a central area, the loops being secured to

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each other by attaching means (9,11), a pair of first loops (7,7) (Fig. 12) equal length extending outwardly in a first direction from the central area, and a pair of second loops (30,31) (Fig. 12) extending outwardly from the central area in a direction opposite to the pair of first loop. Norton's strap ('083) shows that the pair of loops appear to slide through the central piece 9 when moved. However, Norton (3,368,837) teaches a pair of loops (10,11) located at the opposite side of a central area, wherein the center area of the loops is permanently stitched (19) (see Figs. 6 and 8) to avoid the movement of the central sleeve (18) (from Col. 3, line 63, to Col. 4, line 6). Accordingly, it would have been obvious to those skilled in the art to permanently stitch at the center of the strap (on the sleeve 9 and the straps 5,5) of Norton (3,290,083) as taught by Norton (3,368,837) to avoid the movement of the sleeve 9. The modified Norton's strap (3,290,083) does not show the structural dimension, such as the width between from $\frac{1}{2}$ inch to 3 inches, and the length of the loop is about 18 inches. Accordingly, it would have been obvious to those skilled in the art to optimize the structural dimension on the Norton's strap as the width between from $\frac{1}{2}$ inch to 3 inches, and the length of the loop is about 18 inches so that the modified strap is strong and long enough to lift a medium weight object.

Re claims 2 and 4, figure 12 shows a pair of first loops (30,31) and a pair of second loops (7,7) and each continuous strap (of two straps) includes a first loop and a second loop.

Re claim 8, figure 13 teaches a single continuous strap (Col. 4, lines 67-73).

Re claim 9, Norton's strap in Figure 6 shows the wrapping of the strap carrying a rounded object, but does not show that the first loop and the second loop has different length. However, it would have been obvious to those skilled in the art to provide

different lengths of loops on the Norton's strap (by stitching the sleeve offset the center line of the strap) so that the wrapping of the strap can be conveniently adjusted for a larger object.

9. Claims 1,10, and 11, as best understood, are rejected under 35 U.S.C. 103(a) as being unpatentable over Colombet (the France WO 98/01188) (See PTO-892) in view of Otley (2,985,480) (see PTO-892).

Colombet (the France WO 98/01188) discloses a unitary strap of flexible belting material, comprising a plurality of loops extending outwardly from a central area, the loops being secured to each other by attaching means (see Fig. 2), a pair of first loops (21,18) substantially equal length extending outwardly in a first direction from the central area, and at least one second loops (17) extending outwardly from the central area in a direction opposite to the pair of first loop. Colombet does not show that the lengths of the first loops are equal. However, Otley (2,985,480) teaches that the loops 10,12 are equally designed to increase tensioning when loaded. Accordingly, it would have been obvious to those skilled in the art to provide an equal length of the first loops (16,20) on the Colombet's strap as taught by Otley (2,985,480) to increase the lifting capability. Note that the first loops are capable of being separable. It would have been obvious to those skilled in the art to optimize the structural dimension on the Colombet's strap as the width between from ½ inch to 3 inches, and the length of the loop is about 18 inches so that the modified strap is strong and long enough to lift a medium weight object.

Response to Arguments

10. Applicant's arguments with respect to claims 1,2,4,8-11 and 18 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.
12. Applicant's amendment (the addition of new limitations in claims 1 and 4 in combination with other structural limitations) necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to PAUL T. CHIN whose telephone number is (571) 272-6922. The examiner can normally be reached on MON-THURS (7:30 -6:00 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, EILEEN LILLIS can be reached on (571) 272-6928. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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